

28. WATER AND SANITARY SEWER  
SERVICE AVAILABILITY AND CONNECTION  
CHARGES

28.01. Findings. The common council of the City of Rochester finds that it is in the best interest of the city and its inhabitants that, the cost of construction of a water storage facility, watermain, and sanitary sewer line which serves a particular parcel of property should be borne by the owner of the property which is served, and not the general property taxpayers of the city. The common council further finds that in certain instances, because of rapid urban growth an owner of land served by a water storage facility, watermain or sewer line has not paid a share of the cost of construction of these facilities. In order to preserve the fiscal integrity of the city, to provide sufficient funds for expansion of existing facilities, and equitably apportion the cost of construction of water storage facilities, watermains and sanitary sewer lines among all landowners in the city, the common council finds that a service availability fee and connection charge should be established for water and sewer service which is applicable to all lands in the city as provided in Minn. Stat. 444.075.

28.02 Purpose. The purpose of the service availability fee and connection charge established by section 28.03 of this chapter is to ensure that the City obtains sufficient funds to pay the cost of construction of water storage facilities, watermains and sanitary sewer lines from the owners of property served; to reimburse the City for the cost of making and supervising connection by the property served by said facilities; and to equitably apportion the cost of construction of said facilities among all landowners served under those circumstances where special assessments cannot be directly levied against the parcel for the facilities or where the Council has adopted alternatives to the direct levying of assessments. Only funds collected as water and sewer connection charges may be used to pay special assessment abatements for water and sanitary sewer improvement.

28.03 Availability Fee and Connection Charge Established. Subdivision 1. A water service availability fee, in an amount to be determined by resolution of the Common Council from time to time, is hereby established to apply to any parcel of land in the City which requests to make connection to or is connected to the City watermain system, and which has not heretofore been assessed for the construction of a water storage facility.

Subd. 2. A connection charge, in an amount to be determined by resolution of the Common Council from time to time, is hereby established to apply to any parcel of land in the City which hereafter requests to be connected or is connected to the City watermain and sanitary sewer systems, and has not heretofore been assessed for the construction of watermain and sanitary sewer lines; to any parcel which is subdivided off from a larger parcel for which an abatement was previously approved under Section 28.031; and to any parcel for which the owner has entered into a contract with the City to pay a fee or charge in exchange for the right to connect to and use the city facilities.

28.031. Abatement of Special Assessments. The common council of the City of Rochester recognizes that public improvement projects providing water and sanitary services to previously developed areas may provide a benefit to the public at large by protecting the city's water resources. The council shall adopt an abatement policy providing for consideration of special assessment abatements on the basis of environmental remediation. Only funds collected as water and sanitary sewer connection charges under the provisions of this chapter shall be used to pay for abatements. Funds collected as water service

availability fees shall be kept separate from the connection charges and shall not be used for paying off abatement amounts.

28.04 Unpaid Charges. Subdivision 1. A water service availability fee or connection charge that is not paid within ninety days of the date billed shall be considered delinquent. On or before October 1 of every calendar year, the city clerk shall certify any such delinquent charge, and any other charge which is considered delinquent or unpaid under the provisions of an assessment agreement or utility connection agreement, to the county auditor and the same shall be added, with interest at the then legal rate, to the taxes against the land in question, and collected thereafter as other taxes are collected. Provided, that such delinquent fee or charge may, in the discretion of the common council, be billed on the tax statements in installments over time, with interest to apply on the unpaid balance thereof, at the rate set forth in the resolution certifying the same to the county auditor for collection.

28.05. Watermain and Sewermain Replacement. The city council shall, by resolution, adopt a formal watermain and sewermain replacement policy. The policy shall provide that the owner of property on which a service line has been replaced shall be personally liable for paying a service replacement charge. The service replacement charge shall be such charge as determined by the city council by resolution, and the resolution may provide that the charge is automatically adjusted on an annual basis. As soon as the service has been completed and the service replacement charge determined, a bill shall be mailed to the owner and thereupon the amount shall be immediately due and payable. On or before November 15 of each year, the city clerk shall list the total unpaid service replacement charges against each separate lot or parcel to which they are attributable and shall transmit the same to the Auditor for collection as a special assessment pursuant to Minn. Stat. Section 429.101. The special assessments shall be levied over a five year period with interest charged at 7.5% annually on the unpaid balance.

(2469, 10/8/85; 2772; 10/21/91; 2783, 12/2/91; 2936, 5/3/94; 2983, 4/18/95; 3055, 8/20/96; 3094, 5/20/97; 3258, 7/8/99)